**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

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| WSOU INVESTMENTS, LLC, d/b/a BRAZOS LICENSING AND DEVELOPMENT,<br><br>        Plaintiff,<br><br>    v.<br><br>TP-LINK TECHNOLOGY CO., LTD,<br><br>        Defendant. | § § § § § § § § § § § § | Case No. 6:20-cv-01013<br>Case No. 6:20-cv-01014<br>Case No. 6:20-cv-01015<br><br>**JURY TRIAL DEMANDED** |

**JOINT CLAIM CONSTRUCTION STATEMENT**

Pursuant to the Agreed Provisional Scheduling Order (Dkt. 33), Plaintiff WSOU Investments, LLC, d/b/a Brazos Licensing and Development ("Brazos") and Defendant TP-Link Technologies Co., Ltd. ("TP-Link China") submit this Joint Claim Construction Statement. The claim terms identified below as being in-dispute are found in U.S. Patent Nos. 7,751,423 (the "'423 Patent"), 8,094,573 (the "'573 Patent"), and 9,226,305 (the "'305 Patent").

| U.S. Patent No. 7,751,423 | | | |
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| **Claim(s)** | **Claim Term** | **Plaintiff's Proposed Construction** | **Defendant's Proposed Construction** |
| 1, 3, 6, 11, 13, 15, 16, and 21 | "delay factor" | Plain and ordinary meaning. | "a number in the range from 0 to 1" |
| 11 | "a tolerance to a time delay" | Plain and ordinary meaning. | Indefinite |

| | | U.S. Patent No. 7,751,423 | |
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| Claim(s) | Claim Term | Plaintiff's Proposed Construction | Defendant's Proposed Construction |
| 1 | "a quality unit configured . . ." | Plain and ordinary meaning.<br><br>This term is not a means-plus-function term.<br><br>To the extent the Court entertains the notion that this term is subject to para 112/6, Plaintiff submits the corresponding structure for this term is the same as the "quality means" in Claim 21. | 35 U.S.C. § 112, ¶ 6 applies<br><br>Functions:<br><br>• receiving an indication of the quality of a communication channel for each user node of a plurality of user nodes<br>• calculating the average transmission rate and then determining a ratio of the instantaneous transmission rate to the average transmission rate associated with each user node<br><br>Structure: Insufficient structure (no algorithm); indefinite |
| 11 | "receiving a first set of quality values . . ." | Plain and ordinary meaning.<br><br>This term is not a means-plus-function term.<br><br>To the extent the Court entertains the notion that this term is subject to para 112/6, Plaintiff submits the corresponding structure for this term is the same as the "quality means" in Claim 21. | 35 U.S.C. § 112, ¶ 6 applies<br><br>Functions:<br><br>• receiving an indication of the quality of a communication channel for each user node of a plurality of user nodes<br>• calculating the average transmission rate and then determining a ratio of the instantaneous transmission rate to the average transmission rate associated with each user node<br><br>Structure: Insufficient structure (no algorithm); indefinite |
| 21 | "quality means for receiving an indication of the quality . . ." | 35 U.S.C. § 112, ¶ 6 applies<br><br>Function: receiving an indication of the quality of a communication channel for each user node of a plurality of | 35 U.S.C. § 112, ¶ 6 applies<br><br>Functions:<br><br>• receiving an indication of the quality of a |

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| | U.S. Patent No. 7,751,423 | | |
|---|---|---|---|
| **Claim(s)** | **Claim Term** | **Plaintiff's Proposed Construction** | **Defendant's Proposed Construction** |
| | | user nodes<br><br>Structure:<br>The following algorithm:<br>1.  Monitor the communication channels for a node transmitting an indication of the quality of a communication channel;<br>2.  If an indication of the quality of a communication is detected for a particular node, receive the indication of the quality of the communication channel; and<br>If not all nodes have communicated an indication of the communication channel, repeat steps 1 and 2 until an indication of the quality of the communication channel for each node has been received. | communication channel for each user node of a plurality of user nodes<br>•  calculating the average transmission rate and then determining a ratio of the instantaneous transmission rate to the average transmission rate associated with each user node<br><br>Structure: Insufficient structure (no algorithm); indefinite |
| 1 | "a selector configured to be operably connected to the quality and delay units . . ." | Plain and ordinary meaning.<br><br>This term is not a means-plus-function term.<br><br>To the extent the Court entertains the notion that this term is subject to para 112/6, Plaintiff submits the corresponding structure for this term is the same as the "selection means" in Claim 21. | 35 U.S.C. § 112, ¶ 6 applies<br><br>Function: "to determine, for each slot of a succession of slots of the communication channel, which of the user nodes is to use that slot based on the channel quality indication and the delay factor"<br><br>Structure: Insufficient structure (no algorithm); indefinite |

| | | U.S. Patent No. 7,751,423 | |
|---|---|---|---|
| **Claim(s)** | **Claim Term** | **Plaintiff's Proposed Construction** | **Defendant's Proposed Construction** |
| 11 | "selectively determining which of the user nodes is to be granted access to a slot . . . based on a combination of the quality values and the delay factors" | Plain and ordinary meaning.<br><br>This term is not a means-plus-function term.<br><br>To the extent the Court entertains the notion that this term is subject to para 112/6, Plaintiff submits the corresponding structure for this term is the same as the "selection means" in Claim 21. | 35 U.S.C. § 112, ¶ 6 applies<br><br>Function: "to determine, for each slot of a succession of slots of the communication channel, which of the user nodes is to use that slot based on the channel quality indication and the delay factor"<br><br>Structure: Insufficient structure (no algorithm); indefinite |
| 21 | "selection means for determining, for each slot . . . , which of the user nodes is to use that slot based on the channel quality indication and the delay factors" | 35 U.S.C. § 112, ¶ 6 applies<br><br>Function: determining, for each slot of a succession of slots of the communication channel, which of the user nodes is to use that slot based on the channel quality indication and the delay factors.<br><br>Structure: the algorithms disclosed at '423 at 4:33-6:17. | 35 U.S.C. § 112, ¶ 6 applies<br><br>Function: "to determine, for each slot of a succession of slots of the communication channel, which of the user nodes is to use that slot based on the channel quality indication and the delay factor"<br><br>Structure: Insufficient structure (no algorithm); indefinite |

| | | U.S. Patent No. 8,094,573 | |
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| **Claim(s)** | **Claim Term** | **Plaintiff's Proposed Construction** | **Defendant's Proposed Construction** |
| 1 and 18 | "each request identifying a node in the network that is the destination" | Plain and ordinary meaning | Indefinite |
| 1, 19, and 33 | "uncleared block message[s] [has/have] been received [by/at] the ready node" | Plain and ordinary meaning | Indefinite |

| U.S. Patent No. 8,094,573 | | | |
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| Claim(s) | Claim Term | Plaintiff's Proposed Construction | Defendant's Proposed Construction |
| 19 and 33 | "a payload channel in the clear to transmit state" | Plain and ordinary meaning | Indefinite |

| U.S. Patent No. 9,226,305 | | | |
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| Claim(s) | Claim Term | Plaintiff's Proposed Construction | Defendant's Proposed Construction |
| 1, 6, 10, and 16 | "currently probed" | Plain and ordinary meaning | Indefinite |
| 1, 6, and 10 | "the second resource allocation comprises a resource allocation to a currently probed second group of devices to which the device does not belong and a next resource allocation to the previously probed first group of devices to which the device belongs" | Plain and ordinary meaning | Indefinite |

| U.S. Patent No. 9,226,305 | | | |
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| **Claim(s)** | **Claim Term** | **Plaintiff's Proposed Construction** | **Defendant's Proposed Construction** |
| 6 and 16 | "at least one memory including computer program code, where the at least one memory and the computer program code are configured, with the at least one processor, to cause the apparatus to at least: . . ." | Plain and ordinary meaning.<br><br>This term is not a means-plus-function term.<br><br>Should the Court entertain the notion that the claims are a means-plus-function element, the specification identifies the corresponding structures for performing each of the functions as a receiver and transmitter. | 35 U.S.C. § 112, ¶ 6 applies<br><br>Functions:<br>• receiving an indication that a first resource allocation to a device to transmit data was insufficient . . . and determining a second resource allocation for the device (claim 6)<br>• sending the second resource allocation to the device in order to enable the device to transmit the remaining data . . . (claim 6)<br>• send to a network node an indication that a first resource allocation to a device to transmit data was insufficient and there is remaining data to transmit by the device, the first resource allocation responsive to a previous probe to a first group of devices to which the device belongs to identify whether the device had data to transmit (claim 16)<br>• in response to the sending, receive from the network node, a second resource allocation in order to enable the device to transmit the remaining data, wherein the second resource allocation is based at least on information associated with the first resource allocation, wherein the second resource allocation comprises at least one of a |

| U.S. Patent No. 9,226,305 | | | |
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| **Claim(s)** | **Claim Term** | **Plaintiff's Proposed Construction** | **Defendant's Proposed Construction** |
| | | | resource allocation to a currently probed second group of devices to which the device does not belong and a next resource allocation to the previously probed first group to which the device belongs, and wherein the first group of devices is identified using a first group identification and the second group of devices is identified using a second group identification (claim 16)<br><br>Structure: Indefinite for lack of structure (no algorithm) |

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